INTERDISTRICT ATTENDANCE APPEALS

The Los Angeles County Board of Education (County Board) believes that interdistrict permit appeals are among the most important business that the County Board undertakes. Therefore, every County Board member present for such an appeal should, absent some disqualifying conflict of interest, participate in the decision on such appeals. Accordingly, the County Board strongly discourages abstentions on appeal decisions. Four affirmative votes of the County Board are required for the interdistrict appeal to be granted.

The County Board shall consider an appeal against any school district within the county for its failure or refusal to issue an interdistrict attendance permit to a student, or for its failure or refusal to enter into an interdistrict attendance agreement with another school district for the student’s attendance. (Education Code 46601)

If the request for interdistrict attendance involves a school district located within the county and a school district located in a different county, the County Board shall have jurisdiction if the denial of the permit, or the refusal or failure to enter into an agreement, is by the school district within the county. If both school districts deny the permit or refuse or fail to enter into an agreement, the County Board shall have jurisdiction only if the school district within the county is the student’s district of residence. (Education Code 46601)

The appeal shall be filed in writing, by a person having legal custody of the student, within 30 calendar days of the district’s failure or refusal to issue a permit, or to enter into an agreement allowing the interdistrict attendance. If the 30th calendar day falls on a weekend or holiday, the appeal must be physically received by the Child Welfare and Attendance (CWA) office on the following business day that is not a holiday or weekend. Failure to appeal within the required time is good cause for denial of an appeal. (Education Code 46601)

The appeal shall be accepted only upon verification by the County Superintendent of Schools or designee that appeals within the districts have been exhausted. (Education Code 46601)

All appeals are reviewed upon submission to determine County Board jurisdiction. These include:

1. A permit appeal based solely on a request for a specific special education program in a specific district. These cases are more appropriate to be addressed by the local Special Education Local Planning Area (SELPA) through the protections afforded via federal mandates. The County Board will consider an appeal involving special education for cases that involve continuity, capacity, or other additional factors apart from special education. EC 46601(D)(3)

2. Permit appeals must proceed through the full process available at the local district prior to submission to the county office. The appeal must be received within 30 days of the final denial letter. Several districts implement a window of time to apply for a permit and do not issue formal denial letters after the window closes. In those cases, the parent may appeal directly to the county office without the final denial letter. EC 46601(c)(1)
INTERDISTRICT ATTENDANCE APPEALS (continued)

3. The permit appeal form must be submitted by the student’s education rights holder such as the parent or legal guardian. Appeals submitted by stepparent, foster parent, grandparent, or other person(s) will be asked to provide court orders or a form similar to a Power of Attorney that demonstrate legal guardianship of the student and stipulates the right to make educational decisions. EC 46601(c)(1)

4. Cases involving permits that have been revoked and school districts stipulate the terms of revocation. The family may reapply to the district for a new permit the next school year and, as needed, may enter the appeal process if the permit request is denied. EC 46600(a)(3)

5. Students who are under consideration for expulsion or who have been expelled may not appeal interdistrict attendance denials or decisions while expulsion proceedings are pending or during the term of the expulsion. EC 46601(d)(4)

Hearing

The County Board may appoint a hearing officer or an impartial administrative panel to hear appeals on behalf of the County Board. Delegation of such authority shall be determined by the County Board based upon the number of cases (25 families) that can reasonably be heard at any one County Board meeting. This number shall be reflected in the minutes of the County Board’s meeting. Even when a hearing officer or an administrative panel is appointed, the following timelines must be complied with: (Education Code 46601)

The County Board shall conduct a hearing within 60 calendar days after the appeal is filed, to determine whether the student should be permitted to attend school in the district of his/her choice. If it is impractical for the County Board to comply with the time requirement for the hearing, the County Board may extend the time period for up to an additional five school days. (Education Code 46601)

When the County Board authorizes an administrative panel to hear an appeal on its behalf, a hearing consultant from the Child Welfare and Attendance (CWA) office will schedule a meeting to conduct a fact-finding session within 30 calendar days. The purpose of fact-finding is to gather evidence to assist the administrative panel in determining whether to grant or deny an appeal based on its merits. The hearing consultant shall not serve on the administrative panel that will either recommend or render a final decision on the matter. A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made. The hearing consultant will note matters of procedure in findings.

The administrative panel shall consist of three certificated persons. No member of the impartial administrative panel shall be a member of the County Board, nor be employed by the school district or residence or the district of desired attendance.
INTERDISTRICT ATTENDANCE APPEALS (continued)

The Board administrative hearing proceeds as follows:

1. The County Board President opens the hearing, identifies all participants, and addresses procedural matters.

2. Parties may make an opening statement of up to five (5) minutes to the County Board as follows:
   a. Parent/guardian’s opening argument
   b. School’s rebuttal argument
   c. Parent/guardian’s rebuttal/closing argument (only if party has time remaining)

If an interpreter is used by a parent, the time allotted will be doubled.

Final Order of the County Board

The County Board shall render a decision within 10 calendar days of receiving the hearing consultant’s findings of fact. (Education Code 46601)

When the County Board authorizes a hearing officer or administrative panel to render a final decision on its behalf, the hearing officer/administrative panel shall render its decision within three school days of the hearing unless the appellant requests a postponement. (Education Code 46601)

In cases where the administrative panel has been authorized to render a final decision on behalf of the County Board, two affirmative votes of the administrative panel are required for the interdistrict appeal to be granted. The administrative panel’s final decision, together with the record of proceeding, shall be filed with the secretary to the County Board within three days after such decision is rendered.

The interdistrict appeal shall be either granted or denied on its merits. However, if new evidence or grounds for the request are introduced, the matter may be remanded for further consideration by the district or districts. (Education Code 46601)

If the County Board determines that the student should be permitted to attend school in the district of choice, the student shall be admitted to a school in that district without delay. The County Board is not authorized to order a specific school placement for the student. The County Board can only determine placement from district to district. School placement, even after a successful appeal, is determined by the district of attendance. (Education Code 46601, 46602)
INTERDISTRICT ATTENDANCE APPEALS (continued)

All parties shall be notified in writing of the decision of the County Board/administrative panel/hearing officer. (Education Code 46601)

Once a student is admitted to a school on the basis of an interdistrict attendance permit, the student shall not be required to reapply for an interdistrict transfer and shall be allowed to continue to attend the school of enrollment, unless reapplication standards are otherwise specified in the interdistrict attendance agreement. Existing interdistrict attendance permits shall not be rescinded after June 30 following a student's completion of grade 10 or for any student entering grade 11 or 12 in the subsequent school year. (Education Code 46600)

Legal Reference:
EDUCATION CODE
46600-46611 Interdistrict attendance agreements
48204 Residency requirements for school attendance
48209-48209.17 Student attendance alternatives
48660-48666 Community day schools
48900-48926 Suspension and expulsion
48950 Speech and other communication
49073-49079 Privacy of student records
GOVERNMENT CODE
54950-54962 Ralph M. Brown Act (re closed sessions)